

FIRST REGULAR SESSION

SENATE BILL NO. 372

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 25, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1413S.04I

AN ACT

To repeal sections 571.030 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to firearms, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 571.030 and 571.111, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.030 and 571.111, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use
21 into any church or place where people have assembled for worship, or into any
22 election precinct on any election day, or into any building owned or occupied by
23 any agency of the federal government, state government, or political subdivision
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined
26 in section 301.010, discharges or shoots a firearm at any person, or at any other
27 motor vehicle, or at any building or habitable structure, unless the person was
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon
30 readily capable of lethal use into any school, onto any school bus, or onto the
31 premises of any function or activity sponsored or sanctioned by school officials or
32 the district school board.

33 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
34 apply to the persons described in this subsection, regardless of whether such uses
35 are reasonably associated with or are necessary to the fulfillment of such person's
36 official duties except as otherwise provided in this subsection. Subdivisions (3),
37 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any
38 of the following persons, when such uses are reasonably associated with or are
39 necessary to the fulfillment of such person's official duties, except as otherwise
40 provided in this subsection:

41 (1) All state, county and municipal peace officers who have completed the
42 training required by the police officer standards and training commission
43 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
44 arrest for violation of the general criminal laws of the state or for violation of
45 ordinances of counties or municipalities of the state, whether such officers are on
46 or off duty, and whether such officers are within or outside of the law
47 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined
48 in subsection 11 of this section, and who carry the identification defined in
49 subsection 12 of this section, or any person summoned by such officers to assist
50 in making arrests or preserving the peace while actually engaged in assisting
51 such officer;

52 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails
53 and other institutions for the detention of persons accused or convicted of crime;

54 (3) Members of the Armed Forces or National Guard while performing

55 their official duty;

56 (4) Those persons vested by article V, section 1 of the Constitution of
57 Missouri with the judicial power of the state and those persons vested by Article
58 III of the Constitution of the United States with the judicial power of the United
59 States, the members of the federal judiciary;

60 (5) Any person whose bona fide duty is to execute process, civil or
61 criminal;

62 (6) Any federal probation officer or federal flight deck officer as defined
63 under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless
64 of whether such officers are on duty, or within the law enforcement agency's
65 jurisdiction;

66 (7) Any state probation or parole officer, including supervisors and
67 members of the board of probation and parole;

68 (8) Any corporate security advisor meeting the definition and fulfilling the
69 requirements of the regulations established by the board of police commissioners
70 under section 84.340;

71 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
72 examiner;

73 (10) Any prosecuting attorney or assistant prosecuting attorney or any
74 circuit attorney or assistant circuit attorney who has completed the firearms
75 safety training course required under subsection 2 of section 571.111; and

76 (11) Any member of a fire department or fire protection district who is
77 employed on a full-time basis as a fire investigator and who has a valid concealed
78 carry endorsement under section 571.111 when such uses are reasonably
79 associated with or are necessary to the fulfillment of such person's official duties.

80 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
81 apply when the actor is transporting such weapons in a nonfunctioning state or
82 in an unloaded state when ammunition is not readily accessible or when such
83 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
84 does not apply to any person twenty-one years of age or older or eighteen years
85 of age or older and a member of the United States Armed Forces, or honorably
86 discharged from the United States Armed Forces, transporting a concealable
87 firearm in the passenger compartment of a motor vehicle, so long as such
88 concealable firearm is otherwise lawfully possessed, nor when the actor is also in
89 possession of an exposed firearm or projectile weapon for the lawful pursuit of
90 game, or is in his or her dwelling unit or upon premises over which the actor has

91 possession, authority or control, or is traveling in a continuous journey peaceably
92 through this state. Subdivision (10) of subsection 1 of this section does not apply
93 if the firearm is otherwise lawfully possessed by a person while traversing school
94 premises for the purposes of transporting a student to or from school, or
95 possessed by an adult for the purposes of facilitation of a school-sanctioned
96 firearm-related event or club event.

97 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
98 apply to any person who has a valid concealed carry endorsement issued pursuant
99 to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed
100 firearms issued by another state or political subdivision of another state.

101 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this
102 section shall not apply to persons who are engaged in a lawful act of defense
103 pursuant to section 563.031.

104 6. **Notwithstanding any provision of this section to the contrary,**
105 **the state shall not prohibit a state employee from having a firearm in**
106 **the employee's vehicle on state property provided that the vehicle is**
107 **locked and the firearm is not visible. This subsection shall only apply**
108 **to the state as an employer when the state employee's vehicle is on**
109 **property owned or leased by the state and the state employee is**
110 **conducting activities within the scope of his or her employment. For**
111 **the purposes of this subsection, "state employee" means an employee of**
112 **the executive, legislative, or judicial branch of the government of the**
113 **state.**

114 7. Nothing in this section shall make it unlawful for a student to actually
115 participate in school-sanctioned gun safety courses, student military or ROTC
116 courses, or other school-sponsored or club-sponsored firearm-related events,
117 provided the student does not carry a firearm or other weapon readily capable of
118 lethal use into any school, onto any school bus, or onto the premises of any other
119 function or activity sponsored or sanctioned by school officials or the district
120 school board.

121 [7.] 8. Unlawful use of weapons is a class D felony unless committed
122 pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which
123 cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this
124 section, in which case it is a class A misdemeanor if the firearm is unloaded and
125 a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this
126 section, in which case it is a class B felony, except that if the violation of

127 subdivision (9) of subsection 1 of this section results in injury or death to another
128 person, it is a class A felony.

129 [8.] 9. Violations of subdivision (9) of subsection 1 of this section shall be
130 punished as follows:

131 (1) For the first violation a person shall be sentenced to the maximum
132 authorized term of imprisonment for a class B felony;

133 (2) For any violation by a prior offender as defined in section 558.016, a
134 person shall be sentenced to the maximum authorized term of imprisonment for
135 a class B felony without the possibility of parole, probation or conditional release
136 for a term of ten years;

137 (3) For any violation by a persistent offender as defined in section
138 558.016, a person shall be sentenced to the maximum authorized term of
139 imprisonment for a class B felony without the possibility of parole, probation, or
140 conditional release;

141 (4) For any violation which results in injury or death to another person,
142 a person shall be sentenced to an authorized disposition for a class A felony.

143 [9.] 10. Any person knowingly aiding or abetting any other person in the
144 violation of subdivision (9) of subsection 1 of this section shall be subject to the
145 same penalty as that prescribed by this section for violations by other persons.

146 [10.] 11. Notwithstanding any other provision of law, no person who
147 pleads guilty to or is found guilty of a felony violation of subsection 1 of this
148 section shall receive a suspended imposition of sentence if such person has
149 previously received a suspended imposition of sentence for any other firearms- or
150 weapons-related felony offense.

151 [11.] 12. As used in this section "qualified retired peace officer" means
152 an individual who:

153 (1) Retired in good standing from service with a public agency as a peace
154 officer, other than for reasons of mental instability;

155 (2) Before such retirement, was authorized by law to engage in or
156 supervise the prevention, detection, investigation, or prosecution of, or the
157 incarceration of any person for, any violation of law, and had statutory powers of
158 arrest;

159 (3) Before such retirement, was regularly employed as a peace officer for
160 an aggregate of fifteen years or more, or retired from service with such agency,
161 after completing any applicable probationary period of such service, due to a
162 service-connected disability, as determined by such agency;

163 (4) Has a nonforfeitable right to benefits under the retirement plan of the
164 agency if such a plan is available;

165 (5) During the most recent twelve-month period, has met, at the expense
166 of the individual, the standards for training and qualification for active peace
167 officers to carry firearms;

168 (6) Is not under the influence of alcohol or another intoxicating or
169 hallucinatory drug or substance; and

170 (7) Is not prohibited by federal law from receiving a firearm.

171 [12.] **13.** The identification required by subdivision (1) of subsection 2 of
172 this section is:

173 (1) A photographic identification issued by the agency from which the
174 individual retired from service as a peace officer that indicates that the individual
175 has, not less recently than one year before the date the individual is carrying the
176 concealed firearm, been tested or otherwise found by the agency to meet the
177 standards established by the agency for training and qualification for active peace
178 officers to carry a firearm of the same type as the concealed firearm; or

179 (2) A photographic identification issued by the agency from which the
180 individual retired from service as a peace officer; and

181 (3) A certification issued by the state in which the individual resides that
182 indicates that the individual has, not less recently than one year before the date
183 the individual is carrying the concealed firearm, been tested or otherwise found
184 by the state to meet the standards established by the state for training and
185 qualification for active peace officers to carry a firearm of the same type as the
186 concealed firearm.

571.111. 1. An applicant for a concealed carry endorsement shall
2 demonstrate knowledge of firearms safety training. This requirement shall be
3 fully satisfied if the applicant for a concealed carry endorsement:

4 (1) Submits a photocopy of a certificate of firearms safety training course
5 completion, as defined in subsection 2 of this section, signed by a qualified
6 firearms safety instructor as defined in subsection 5 of this section **and, if the**
7 **certificate is issued on or after August 28, 2013, a notarized copy of a**
8 **document proving the identity of the instructor and copies of any**
9 **certification possessed by the instructor that qualifies such instructor**
10 **under subsection 5 of this section; or**

11 (2) Submits a photocopy of a certificate that shows the applicant
12 completed a firearms safety course given by or under the supervision of any state,

13 county, municipal, or federal law enforcement agency; or

14 (3) Is a qualified firearms safety instructor as defined in subsection 5 of
15 this section; or

16 (4) Submits proof that the applicant currently holds any type of valid
17 peace officer license issued under the requirements of chapter 590; or

18 (5) Submits proof that the applicant is currently allowed to carry firearms
19 in accordance with the certification requirements of section 217.710; or

20 (6) Submits proof that the applicant is currently certified as any class of
21 corrections officer by the Missouri department of corrections and has passed at
22 least one eight-hour firearms training course, approved by the director of the
23 Missouri department of corrections under the authority granted to him or her by
24 section 217.105, that includes instruction on the justifiable use of force as
25 prescribed in chapter 563; or

26 (7) Submits a photocopy of a certificate of firearms safety training course
27 completion that was issued on August 27, [2011] **2013**, or earlier so long as the
28 certificate met the requirements of subsection 2 of this section that were in effect
29 on the date it was issued.

30 2. A certificate of firearms safety training course completion may be
31 issued to any applicant by any qualified firearms safety instructor. On the
32 certificate of course completion the qualified firearms safety instructor shall
33 affirm that the individual receiving instruction has taken and passed a firearms
34 safety course of at least eight hours in length taught by the instructor that
35 included:

36 (1) Handgun safety in the classroom, at home, on the firing range and
37 while carrying the firearm;

38 (2) A physical demonstration performed by the applicant that
39 demonstrated his or her ability to safely load and unload a revolver and a
40 semiautomatic pistol and demonstrated his or her marksmanship with both;

41 (3) The basic principles of marksmanship;

42 (4) Care and cleaning of concealable firearms;

43 (5) Safe storage of firearms at home;

44 (6) The requirements of this state for obtaining a certificate of
45 qualification for a concealed carry endorsement from the sheriff of the individual's
46 county of residence and a concealed carry endorsement issued by the department
47 of revenue;

48 (7) The laws relating to firearms as prescribed in this chapter;

49 (8) The laws relating to the justifiable use of force as prescribed in
50 chapter 563;

51 (9) A live firing exercise of sufficient duration for each applicant to fire
52 both a revolver and a semiautomatic pistol, from a standing position or its
53 equivalent, a minimum of fifty rounds from each handgun at a distance of seven
54 yards from a B-27 silhouette target or an equivalent target;

55 (10) A live fire test administered to the applicant while the instructor was
56 present of twenty rounds from each handgun from a standing position or its
57 equivalent at a distance from a B-27 silhouette target, or an equivalent target,
58 of seven yards.

59 3. A qualified firearms safety instructor shall not give a grade of passing
60 to an applicant for a concealed carry endorsement who:

61 (1) Does not follow the orders of the qualified firearms instructor or
62 cognizant range officer; or

63 (2) Handles a firearm in a manner that, in the judgment of the qualified
64 firearm safety instructor, poses a danger to the applicant or to others; or

65 (3) During the live fire testing portion of the course fails to hit the
66 silhouette portion of the targets with at least fifteen rounds, with both handguns.

67 4. Qualified firearms safety instructors who provide firearms safety
68 instruction to any person who applies for a concealed carry endorsement shall:

69 (1) Make the applicant's course records available upon request to the
70 sheriff of the county in which the applicant resides;

71 (2) Maintain all course records on students for a period of no less than
72 four years from course completion date; [and]

73 (3) Not have more than forty students in the classroom portion of the
74 course or more than five students per range officer engaged in range firing; **and**

75 (4) **Provide to the applicant a notarized copy of a document**
76 **proving the instructor's identity and copies of any certification**
77 **possessed by the instructor that qualifies such instructor under**
78 **subsection 5 of this section.**

79 5. A firearms safety instructor shall be considered to be a qualified
80 firearms safety instructor by any sheriff issuing a certificate of qualification for
81 a concealed carry endorsement pursuant to sections 571.101 to 571.121 if the
82 instructor **is a resident of the state and:**

83 (1) Is a valid firearms safety instructor certified by the National Rifle
84 Association holding a rating as a personal protection instructor or pistol

85 marksmanship instructor; or

86 (2) Submits a photocopy of a certificate from a firearms safety instructor's
87 course offered by a local, state, or federal governmental agency; or

88 (3) Submits a photocopy of a certificate from a firearms safety instructor
89 course approved by the department of public safety; or

90 (4) Has successfully completed a firearms safety instructor course given
91 by or under the supervision of any state, county, municipal, or federal law
92 enforcement agency; or

93 (5) Is a certified police officer firearms safety instructor.

94 6. Any firearms safety instructor who knowingly provides any sheriff with
95 any false information concerning an applicant's performance on any portion of the
96 required training and qualification shall be guilty of a class [C misdemeanor] **D**
97 **felony and shall forever be barred from being considered a qualified**
98 **firearms instructor.**

✓

Bill

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